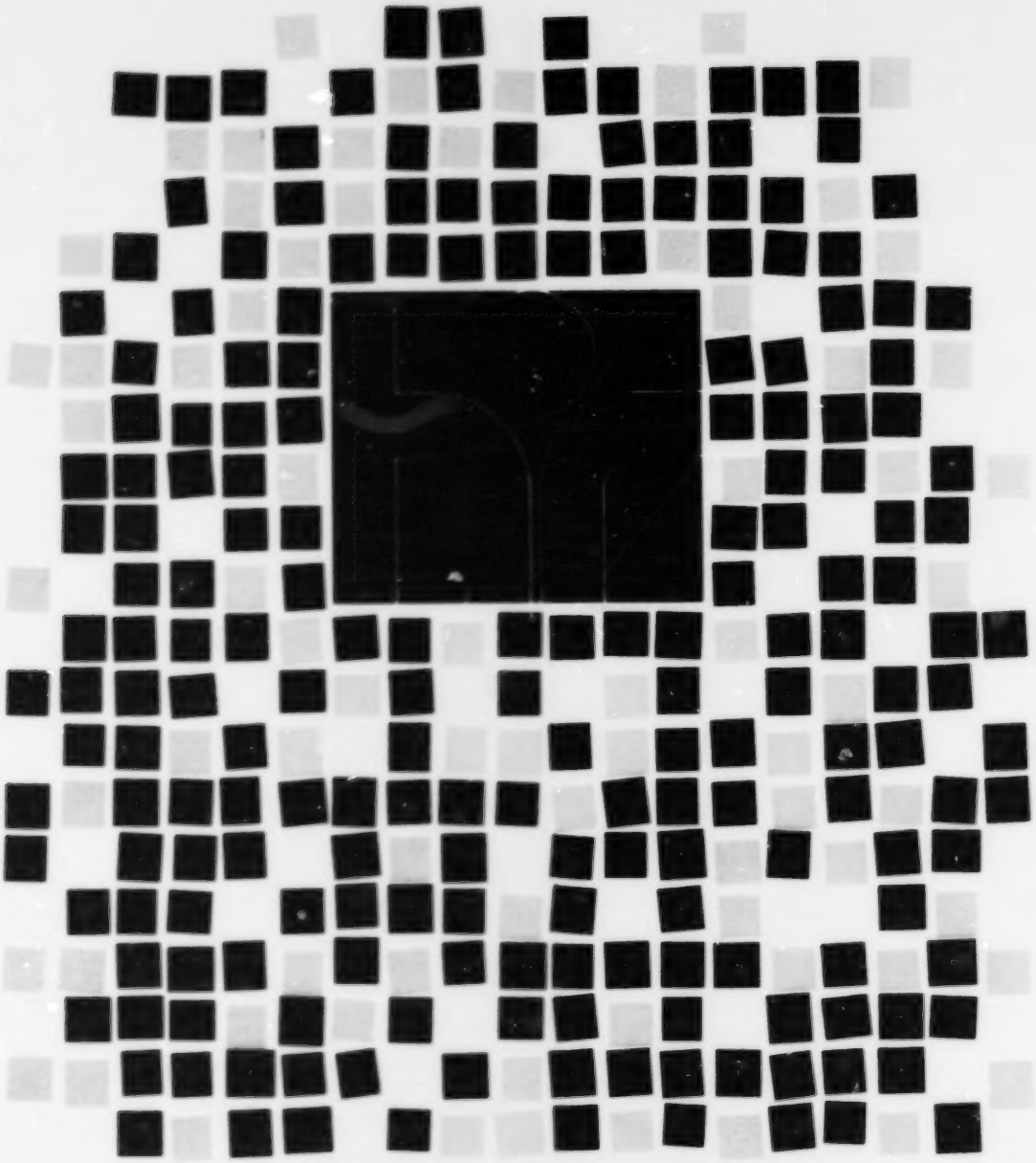


ANNUAL REPORT

1 APRIL 1987 - 31 MARCH 1988

Alberta

HUMAN RIGHTS COMMISSION

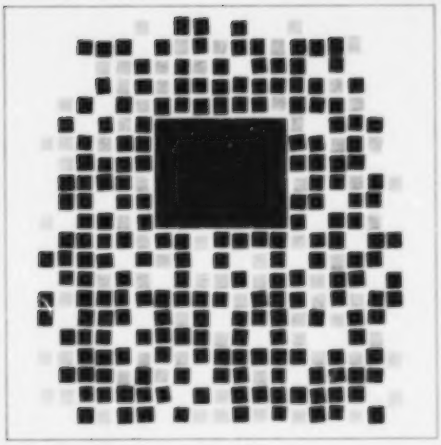
The Alberta Human Rights Commission's logo symbolizes several important concepts associated with human rights.

The figure represents a person; it makes no distinction on gender or race, representing equality in humanity.

The figure's outstretched arms represent an open willingness to accept all people, acknowledging the inherent dignity of all men and women.

The figure holds a staff, which represents the assistance and support given through human rights legislation.

The letter "h" represents a wheelchair; the wheelchair is a symbol associated internationally with the physically disabled.



ANNUAL REPORT

1 APRIL 1987 - 31 MARCH 1988

Alberta

HUMAN RIGHTS COMMISSION

HRC 7 88 A 800
ISSN 0380 4518

Alberta

LABOUR

Office of the Minister

Also responsible for
LABOUR RELATIONS BOARD
HUMAN RIGHTS COMMISSION
WOMEN'S SECRETARIAT
ADVISORY COUNCIL ON WOMEN'S ISSUES
PERSONNEL ADMINISTRATION OFFICE

103 Legislature Building
Edmonton, Alberta T5K 2B6
Telephone 403/427-3664
Fax 403/422-9556

March, 1990

The Honourable Dr. D. Carter
Speaker
Legislative Assembly of Alberta

Sir:

I have the honour to submit the Annual Report of the Alberta Human Rights Commission for the fiscal year ending March 31, 1988, in accordance with Section 18(2) of the Individual's Rights Protection Act.

Respectfully submitted,

Elaine McCoy QC
Minister of Labour

90-04446/

Alberta
HUMAN RIGHTS COMMISSION

Room 805, 10808 - 99th Avenue, Edmonton, Alberta, Canada T5K 0G5 403/427-3116

March, 1990

The Honourable Elaine McCoy QC
Minister of Labour
103 Legislature Building
Edmonton, Alberta

Dear Ms. McCoy:

I am pleased to submit to you, the Minister responsible for administering the Individual's Rights Protection Act, the Annual Report of the Alberta Human Rights Commission for fiscal year 1987-88 for tabling before the Legislative Assembly.

Yours truly,

Stan Scudder

Stan Scudder
Chairman

CONTENTS

CHAIRMAN'S REPORT 1

MANDATE 2

RECOMMENDATIONS 3

EDUCATION AND PROMOTION 5

COMPLAINT PROCEDURE 7

COMPLAINTS OF DISCRIMINATION 7

COMMISSIONERS 14

STATISTICS 17

"WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world; and

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, physical disability, age, ancestry or place of origin; and

WHEREAS it is fitting that this principle be affirmed by the Legislature of Alberta in an enactment whereby those rights of the individual may be protected..."

FROM THE PREAMBLE TO THE INDIVIDUAL'S RIGHTS PROTECTION ACT

CHAIRMAN'S REPORT

The 1987-88 fiscal year was another busy year for the Alberta Human Rights Commission.

Education and promotional initiatives continued to be an important part of our work. Staff continued to investigate complaints of discrimination with dispatch and sensitivity.

Among educational efforts, our workshops saw a notable increase, to 440 from 370 the previous year. While these numbers are up, the total number of complaints to the Commission fell, to 234 from 287 the previous year. However, this is a slight decrease from 1985-86, when 240 complaints were received.

In the area of employment, in which most complaints are lodged, the number of complaints fell to 156 from 214.

We believe this decrease reflects in large part our success in educating employers and employees about the provisions of Alberta's human rights law, the Individual's Rights Protection Act. For example, employers who attended our workshops have shown support for the principles of human rights, and many of them are asking us to provide assistance in their personnel management.

Through presentations and workshops, commissioners and staff have increased contacts with minority groups, particularly cultural organizations. Our aim was and is to help make members of these groups aware of their rights. They are encouraged to come to the Commission for help when faced with discrimination.

While our educational efforts appear to be reaching medium and large employer organizations, the Commission is having less success reaching the smaller employer or citizens unaffiliated with any organized group. These Albertans can be reached effectively through advertising. The Commission will determine in 1988-89 how advertising can better meet the mandate of the Commission and the funds needed to communicate our message successfully.

Racism is an area of concern for the Commission. The majority of Albertans are not racist. However, a few individuals or groups have spread messages of hate in our province. We believe such messages are contrary to the accepted principles and standards of Albertans. Yet legal means to address the problem are being challenged by appeals to freedom of speech.

Our role is to help keep our Province free of racial violence by promoting the dignity of all people. A strong message is also needed to warn Albertans of the danger of hatred. Public education is our best means of addressing this problem. We trust the Government of Alberta will continue to support our efforts in this regard.

We are concerned about the time it is taking for a case to be resolved when staff have been unable to effect a settlement and it has been necessary to have a board of inquiry appointed. On average, it has taken about 12 months for a board to give a decision from the date we request its appointment. Appeals of board decisions further delay the final determination.

Also, total costs for boards in 1987-88 are expected to be considerable. The Commission will continue to review these matters further.

Public concerns have been expressed to the Commission on a number of issues. The alleged discrimination in pay rates between men and women, and the remedy suggested by some – equal pay for work of equal value – is discussed in this annual report. This has become one of the major issues in human rights circles across Canada. We've tried to develop a well thought-out position on this issue and have published public information on it in our quarterly journal.

There has also been a great deal of debate on the rights of AIDS victims, of those who carry the AIDS virus or who belong to high-risk AIDS groups. We are closely following this serious issue and will be developing policies in dealing with it from the human rights perspective.

The Commission reports to the Government through the Minister of Labour. Our head office shares space in the building primarily occupied by the Labour department. Even though we realize the advantages of sharing facilities, to be seen as an autonomous body, independent of government, we believe a change in these arrangements is overdue.

One of the highlights of the year was the awarding of the first Alberta Human Rights Award to Darren Lund of Red Deer. We were pleased to have such a worthy recipient. This annual report gives more information about Mr. Lund's contributions.

Another highlight is the cooperation received from various umbrella groups who have joined a committee, spearheaded by the Commission, to promote the 40th anniversary of the signing of the Universal Declaration of Human Rights by the United Nations. We look forward to the culmination of our efforts on the anniversary date, 10 December 1988, and to continue working in the future with the many organizations who have shown interest in this major effort.

The Commission is awaiting introduction of amendments to the Individual's Rights Protection Act recommended in the previous fiscal year.

We hope that mental disability will be added as a new protected ground under the Act, to give the mentally disabled similar protection now afforded to the physically disabled.

This amendment would bring us new challenges: to develop guidelines on this new ground in the areas covered by our Act, to inform the public about human rights for the mentally disabled, and to handle any complaints which might arise on this ground.

The Alberta Human Rights Commission looks forward to meeting these and all other challenges in the field of human rights in 1988-89.

Stan Scudder

Stan Scudder
Chairman

MANDATE

INDIVIDUAL'S RIGHTS PROTECTION ACT

The Individual's Rights Protection Act empowers the Alberta Human Rights Commission with a twofold mandate:

(1) to promote and safeguard the spirit and principles embodied in the Act

(2) to protect Albertans against acts of discrimination.

The Commission fulfills its mandate by educating the public about the Act, by investigating complaints of discrimination, and by researching issues of concern to the public, such as pay equity and the inclusion of mental disability as a protected ground of discrimination.

The Act protects Albertans from discrimination in four main areas: employment, tenancy, public services and accommodation, and signs and notices published or displayed before the public.

It is against the Act to discriminate against anyone in the four areas because of race, religious beliefs, colour, sex, physical disability, ancestry or place of origin. In employment, age, pregnancy (when employed) and marital status are protected grounds as well.

Age is also a protected ground in signs and notices.

The Act aims to give Albertans an equal opportunity, free of discrimination, to earn a living, find a place to live and enjoy public services and accommodations.

The Individual's Rights Protection Act allows for special (or affirmative action) programs to offset the harm done by systemic discrimination. Special programs can be implemented for the benefit of any disadvantaged individual or group but must be reasonable and justifiable in nature. In addition, special programs need not be confined to employment.

The Commission attempts to negotiate settlements that satisfactorily resolve complaints. Its work is remedial, not punitive. That is, the Commission negotiates remedies that will, to the greatest extent possible, restore the individual to the same position he or she was in before the act of discrimination took place.

The Commission does not look for guilt or innocence in a complaint, nor does it have the power to legally order an employer, landlord or service provider to pay a fine or agree to a settlement. The Act is not a penal statute, as is the criminal code. Consequently, enforcement does not result in an individual or a company being found guilty of a criminal offence subject to a fine or penalty. Throughout the investigation of a complaint, the emphasis is on establishing the facts and, where they substantiate the complaint, in resolving the complaint.

Through the Commission's educational activities, schools, businesses, unions, special interest groups and the general public learn about the provisions of the Individual's Rights Protection Act. They are encouraged to apply its principles in their day-to-day relationship with fellow Albertans.

Through education, Albertans realize that the Act is not designed to control prejudice – what people think – but to prohibit discrimination – what people do.

HUMAN RIGHTS COMMISSION

The Alberta Human Rights Commission is made up of seven commissioners appointed by the Lieutenant Governor in Council to represent the public at large. A chairman is appointed from among the commissioners, who hold their positions part-time. The Chairman reports to the Minister of Labour on the Commission's administration of the Act.

The Commission is an autonomous and independent body. It meets every month with meetings alternating between Calgary and Edmonton. Meetings are sometimes held in other parts of the Province. These confidential sessions are used to formulate policies, review complaints and discuss issues affecting the Act.

The Commission may also conduct special open meetings in the evening, on an ad hoc basis, to discuss human rights issues. This has enabled groups and individuals to present to the Commission matters of common interest and concern.

Commissioners
(see pages 14-16 for biographies)

	TERM EXPIRES
Stan Scudder, Chairman	31 March 1989
Barbara Tate .. resigned	11 January 1988
Enrico Lazo	31 January 1990
Edna Short	31 December 1989
Pearl Calahasen	31 October 1989
William Leslie	31 October 1988
Suzanne Mah	31 October 1988

The Commission's head office in Edmonton houses the chairman, executive director and support staff. The office is separate from the Commission's regional offices, where most of the contacts between the public and Commission staff occur. The northern regional office in Edmonton is responsible for the province north of Red Deer, while the southern regional office in Calgary is responsible for Commission activities in Red Deer and area south.

Staff handled more than 8,600 phone inquiries. About 2,900 of them fell within its jurisdiction, resulting in 234 complaints. Staff referred callers to the appropriate agency or government department when the inquiries were outside the commission's jurisdiction.

The Commission continued to enhance its investigation and processing of complaints. Most were settled satisfactorily and within 30 days. The remainder were either abandoned by the complainants or dealt with by boards of inquiry.

BOARDS OF INQUIRY

If the Commission is unable to settle a complaint, it can direct the Minister of Labour to appoint a board of inquiry, a quasi-judicial body, to formally conduct an inquiry. A board of inquiry is separate and distinct from the Commission. At this level the Commission has carriage of the complaint. That is, its duty is to present the complaint before the board on behalf of the complainant.

A board of inquiry hears evidence from both the complainant and the respondent, and all other parties to the proceeding, and issues a decision based upon the evidence heard as it pertains to the Individual's Rights Protection Act. A decision may be entered with the Court of Queen's Bench and then becomes enforceable in the same manner as an order of the Court of Queen's Bench.

Decisions of the board can also be appealed to the Court of Queen's Bench on a question of fact or mixed fact and law.

In addition to the powers under Section 31 of the Act, the board, as a quasi-judicial body, has the powers established under the Public Inquiries Act. Proceedings before a board are civil, not criminal, in nature.

RECOMMENDATIONS

The Alberta Human Rights Commission recommended to the Government of Alberta, through the Minister of Labour, that the Individual's Rights Protection Act be amended to ensure broader coverage of rights; clarify the intent of certain sections of the Act; facilitate better enforcement; and, remove inconsistencies between sections of the Act. The Government has indicated that it would consider these amendments in the Spring 1988 session of the Legislature. The recommendations included:

MENTAL DISABILITY

To include mental disability as a protected ground. Public hearings were held on the Commission's proposed recommendation, to give the mentally disabled similar protection afforded to the physically disabled. The final recommendation was sent to the Minister of Labour on 23 March 1987.

BONA FIDE OCCUPATION REQUIREMENT

To remove this defence for respondents. A bona fide occupational requirement (BFOR), by its very nature, is considered nondiscriminatory because it is a necessary requirement of the job, even though there may be those who, for reason of physical disability, religious beliefs, or other protected ground, cannot perform the job because of the requirement.

Removal of this defence would require employers, short of undue hardship, to reasonably accommodate employees in their religious beliefs, physical disability, or other protected grounds. The Supreme Court of Canada decision in Bhinder versus Canadian National Railway removed the duty of reasonable accommodation where the legislation recognizes a BFOR, as is the case in the IRPA. Section 11.1 of the IRPA provides a similar defence for respondents where the discriminatory action can be shown to be reasonable and justifiable. This defence would recognize the duty of reasonable accommodations in the absence of a BFOR.

SEXUAL HARASSMENT

To specify in the Act that sexual harassment is discrimination on the ground of sex, and that an employer is responsible to correct the misconduct if he or she has knowledge of it. This would make it abundantly clear that individuals are protected in this area.

DOMESTIC AND LIVE-IN FARM EMPLOYEES

To provide protection from sexual harassment to domestic and live-in farm employees.

RETALIATION

To clarify and improve the protection against retaliation provided to those who assist in the investigation and enforcement of a complaint of discrimination.

INVESTIGATIVE POWERS

To provide powers needed to ensure a full and objective investigation of all the facts can be conducted into allegations of discrimination. This would, for example, help avoid situations where an employer refuses to allow the Commission to interview an employee who might have important evidence to offer one way or the other with respect to the allegations.

PUNITIVE AND GENERAL DAMAGES

To give boards of inquiry discretionary power to award punitive and general damages where the circumstances would support them. The Court of Queen's Bench of Alberta had earlier decided that the language of the Act did not allow such damages to be awarded.

PREGNANCY

To delete the word "only" before the word "pregnancy" in Section 7(1.1). This subsection was incorporated to protect female employees from discrimination because they had become pregnant during their employment.

In interpreting human rights legislation, the courts have established that if an action, detrimental to an individual, has any hint of being based on a prohibited ground of discrimination, even if not the primary cause, that action still contravenes the law. This is not the case under the IRPA on the grounds of pregnancy because of the word "only." Pregnancy can be the main reason for discriminatory action against a pregnant employee and, as long as there is any other reason present for the discriminatory action, would not be a contravention of the Act.

EDUCATION AND PROMOTION

The Alberta Human Rights Commission conducted numerous programs and projects to educate the public and promote human rights in Alberta. Seminars, presentations and workshops by the Commission's education officers continued to be popular. The Commission was also involved in new promotional activities. Commissioners and staff took part in in-service training to enhance their general awareness and knowledge of human rights issues and topics. The Commission also met with the Minister of Education, to promote human rights in Alberta's education curriculum.

EDUCATION

An important mandate of the Alberta Human Rights Commission, as prescribed in the Individual's Rights Protection Act, is "to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, sex, physical disability, age, ancestry or place of origin...". Such programs also cover the protected grounds of marital status and pregnancy in the area of employment.

The education program is aimed at three main groups: schools, special interest groups and employers. The Commission's four education officers conducted workshops and seminars, gave consultations and made public presentations.

The number of workshops increased to 437 from 343, with 7,155 participants. More employers were asking for consultations at the workplace to help develop policies on sexual harassment, for example.

The workshops and seminars generally dealt with a number of topics. These included the Individual's Rights Protection Act, job interviews, sexual harassment, the Canadian Charter of Rights and Freedoms, equal opportunities in employment, the principles of 'reasonable accommodation' and 'reasonable and justifiable' discrimination, among others.

Education officers continued to attend conferences, manned the human rights display booth at trade fairs, distributed literature, as well as conducted the workshops and seminars, and made presentations to conference delegates. They continued to provide consultations and, as part of their duties, conducted investigations into complaints of discrimination to remain current with the enforcement activities of the Commission.

Groups which requested education seminars or consultations included: schools, colleges and universities; employers; government supervisors; participants in employment programs; multicultural groups; immigrant associations and groups; Albertans with disabilities; and volunteer organizations.

PROMOTION/PUBLIC AFFAIRS

Numerous activities in 1987-88 promoted the message of human rights and the province's human rights legislation.

Two major events included the presentation of the first Alberta Human Rights Award on December 10, and the Commission's spearheading of a provincial coordinating committee to promote the fortieth anniversary of international human rights (see under 'Special Events', page 6).

The Commission responded to numerous inquiries from the news media on topics such as pay equity, sexual harassment, boards of inquiry, mandatory retirement, racism, complaint statistics, AIDS, sexual orientation and pregnancy complaints. It periodically released to news media details of complaints settled by the Commission, as a way to inform Albertans about the Province's human rights act.

The Commission continued to publish its quarterly publication, the Alberta Human Rights Journal, available free to interested Albertans. The Journal gives news and information pertinent to human rights in the Province. A major topic dealt with in 1987-88 was pay equity.

The Commission advertised in a number of print publications the message of fairness and equality. It advertised its employer seminars and workshops through direct mail and in the Chamber of Commerce publications in Edmonton and Calgary.

The annual report for 1986-87 was published and tabled in the Legislature.

Darren Lund, recipient of the first Alberta Human Rights Award, was showcased in the Commission's human rights display in the Pedway of the Legislature.

The Commission continued to distribute the popular "Alberta is For All of Us" posters, and its folder on the Commission's mandate with data sheets on specific subjects.

Speakers Bureau

There was an increase in requests for commissioners and senior staff to speak at both formal and informal meetings on human rights generally and on specific topics, such as mandatory retirement, physical disability, pay equity, discrimination in employment, drug testing and AIDS.

Pay Equity

The Commission proposed a review of available studies on the pay equity concept of equal pay for work of equal value. The purpose of the review would be to determine whether there is in fact evidence of discrimination in wage relationships on any prohibited ground under Alberta's human rights law.

If there were, it would determine whether equal pay for work of equal value would be an effective and cost-beneficial means of eliminating discrimination in Alberta. If it were so determined, the Commission would only support a model of equal value legislation which would apply to all jobs within an employment entity and not just to those dominated by women.

The concept of equal value and its implications are poorly understood and it would be an essential part of the Commission's review to publish the meaning of the concept and the relevant findings garnered from the proposed review.

The Commission would not propose to make any recommendations to government until it had conducted an informed public dialogue, to measure an Alberta response to the concept together with the perceived ramifications were it to be applied to the public and private sectors.

The Commission requested funding from the Government of Alberta to conduct the review.

Special Events

Alberta Human Rights Award

The first Alberta Human Rights Award was presented to Darren Lund of Red Deer at a luncheon ceremony in Edmonton on December 10, which each year is celebrated as International Human Rights Day.

Mr. Lund received the award for spearheading the group S.T.O.P. (Students and Teachers Opposing Prejudice) which operates out of Lindsay Thurber Comprehensive High School in Red Deer, where he teaches English. S.T.O.P. has received national attention for its work in communicating a general message of tolerance and fairness towards all individuals. It has organized poster and essay-writing contests, and local visits to elementary and junior high schools.

Through Mr. Lund's leadership, the group has received support and endorsement from the principal, staff and students of the school.

S.T.O.P. has given presentations and held meetings at other schools and city organizations.

The group continued to meet regularly at the school, and received encouragement and acknowledgement from human rights groups, businesses and municipal, provincial and federal dignitaries.

The award consists of a glass trophy etched with the award logo, produced by glass sculpturist Bonnie Chapman of Edmonton.

Mr. Lund's achievements were also acknowledged through the news media, and in advertisements by the Commission which appeared in all weekly and daily newspapers in Alberta. A permanent award display in the Pedway of the Legislature showcases Mr. Lund.

All eligible award nominees are considered for the award over a three year period.

Fortieth Anniversary of International Human Rights

Under the auspices of the federal Secretary of State department, the Commission began organizing a provincial coordination committee to oversee provincially the promotion of the fortieth anniversary of the signing of the Universal Declaration of Human Rights. Activities will culminate on the anniversary day, 10 December 1988.

"Your commitment to a better world community" is the theme adopted by this Committee, emphasizing individual responsibility to enhance the dignity of all men and women in the province, as part of every person's commitment to a better world community.

The Committee will publish a brochure describing generally the significance of the Declaration, and ways in which individuals and groups can participate.

A speakers bureau was created to help communicate the message to groups at formal and informal meetings. A newsletter outlining all major activities will be published and distributed to interested parties.

Events will culminate on 10 December 1988, when all Albertans are encouraged to light a candle at sunset, as a symbolic gesture of individual commitment to the noble ideals set out in the Declaration.

Committee members include representatives from the Canadian Human Rights Commission, the Alberta Advisory Council on Women's Issues, Alberta Committee of Disabled Citizens, Society for the Retired and Semi-Retired, Volunteer Action Centre, Edmonton Immigrant Services Association, Alberta Native Friendship Centres Association, Alberta Civil Liberties Research Centre, Secretary of State, Alberta Multicultural Heritage Council, and Association Canadienne-Francaise de l'Alberta.

National Conference

The Chairman, Commissioner Eric Lazo and the Executive Director attended the Annual Canadian Association of Statutory Human Rights Agencies (CASHRA) conference in 1987. The Conference, sponsored by the Ontario Human Rights Commission in Toronto, covered a wide range of topics, including: pay equity, race relations, legislative change, AIDS, the fortieth anniversary of International Human Rights, physical disability and related medical concerns.

CASHRA is made up of commissioners and officials from federal, provincial and territorial statutory human rights agencies. It meets to discuss topics of common concern. Each year, a different agency sponsors the conference. The Alberta Human Rights Commission last hosted the conference in Edmonton in 1985.

INFORMATION SESSIONS

Guest speakers provided commissioners with new insights into human rights topics.

Dr. K.P. Ewing, visiting professor at the University of Alberta, described to the Commission in October 1987 England's experience with pay equity.

On December 11, Nadine Winter of Hay Management Consultants gave a general presentation on equal pay for work of equal value, including experiences in Ontario with its recently-introduced pay equity legislation.

COMPLAINT PROCEDURE

FORMAL COMPLAINTS

When the Alberta Human Rights Commission receives a complaint alleging an act of discrimination, a human rights officer first determines whether the Commission has jurisdiction in the area and whether there are 'reasonable grounds' to believe discrimination has occurred.

When it appears that the Individual's Rights Protection Act has been contravened, the complainant is required to sign a complaint form before the Commission can investigate. The respondent, or party against whom the complaint is lodged, is notified of the complaint before any further action is taken.

Individuals wishing to protect their rights must accept the responsibility of signing a complaint form within six months of the alleged act of discrimination.

Commission investigations are objective and impartial. Complainants and respondents are both given an equal opportunity to present their respective positions, and the Commission staff investigate to verify information.

The Commission will dismiss a complaint at any stage of the proceedings if, in its opinion, the complaint is without merit. If it is determined that the Act is contravened, Commission officers attempt to negotiate a settlement. Because each case is unique, negotiated settlements can vary from letters of apology to cash settlements for lost wages. Commission officers do not have the power to order a settlement. However, the Commission aims to resolve complaints to the satisfaction of both parties.

When the Commission is unable to settle a complaint, it must report this to the Minister of Labour and may direct the Minister to appoint a board of inquiry, a quasi-judicial body, to formally conduct an inquiry (see page 3 for an explanation).

INFORMAL COMPLAINTS

Complaints may be dealt with in an informal manner with the consent of the parties. The aim is to resolve the complaint expeditiously to the satisfaction of both parties. If these mediation efforts are unsuccessful, the complaint will be formally investigated. The complaint can be settled or concluded at any stage of the process.

COMPLAINTS OF DISCRIMINATION

Human rights officers attempt to resolve complaints which fall under the jurisdiction of the Individual's Rights Protection Act. Most meritorius complaints are settled satisfactorily between the complainant and respondent. Those not settled are in the majority addressed through a board of inquiry.

Examples of a few cases settled in 1987-88 follow, as do examples of complaints dismissed or closed because of no substantiation or other reasons.

EXAMPLES OF SETTLED COMPLAINTS

AREA OF EMPLOYMENT

(1) Grounds: Age

A department store employee received a $5,000 settlement and letters of reference from the store after alleging she was discriminated against on the basis of her age.

The woman, 49, employed full-time with the store for three years, said one of the major product lines she represented was moved to another area of the store, but she was not moved with it.

Nevertheless, she was assured of continued full-time work. When she returned from a vacation, another product line she represented was removed entirely from the store. The employee was dismissed, and refused part-time work or consideration for another full-time position.

The store said it wanted a "younger image" for its products. She complained to the Commission, alleging age discrimination, a contravention of Section 7 of the Individual's Rights Protection Act.

In settlement, the store agreed to pay the woman $5,000 and to provide her with letters of reference. The woman was satisfied with the settlement.

(2) Grounds: Pregnancy

A pregnant woman, who worked as a walking courier with a courier delivery company, was compensated for lost

earnings after being suspended from work because of her pregnancy.

The woman was six months pregnant when her employer told her to take a leave of absence until her baby was born, or she would be fired from the job. Her employer considered her work too dangerous for her and her baby, and was also concerned that liability insurance risks were too high.

The woman refused to take leave, so the employer suspended her without pay until she could produce a letter from her doctor confirming it was safe for her to work. She did so, but the employer remained unconvinced and insisted on speaking to her doctor.

The woman complained to the Commission on the grounds of discrimination in employment because of pregnancy, which is a contravention of Section 7(1.1) of the Individual's Rights Protection Act. The woman was returned to her job after being suspended for 13 work days without pay. However, the employer refused to pay her for those days, even though the woman worked two more months and then took maternity leave.

She complained again to the Commission. Before the Commission's investigation was completed, the employer compensated the woman for the 13 days.

(3) Grounds: Race

An employee of Chinese ancestry working at an Alberta welding company complained to his employer after one week of work that he was only being paid at a rate of $4.50 per hour.

He was told, when he initially asked about a machinist's job with the company, that the hourly rate was $14. At that time, he was also told the job was filled, but that he would be considered if a position became available.

Two weeks later the company called him about a job. He started work the next day. The man, who had completed a four-year machinist's course and had 10 years of experience as a machinist in China, was surprised to find the reduced rate in his first pay cheque. The company told him this was because his work was unsatisfactory.

The man complained to the Commission alleging he was discriminated against because of his race. The company told the Commission the man was hired as a labourer, not as a journeyman machinist, because he did not have his journeyman's ticket. But even so the Commission found his pay rate was below what a labourer in the same position normally earned.

The complaint was resolved when the Commission mediated a settlement of $262 for the man from the company. The company also said it would help the man get a journeyman ticket, and that it would pay him $14 per hour after he obtained it.

It is a contravention of Section 7(1) of the Individual's Rights Protection Act to discriminate in employment because of race, colour, ancestry or place of origin.

(4) Grounds: Marital Status

A woman and her husband were contracted through a janitorial service company to work at a school in Alberta. The woman's husband approached the school's business manager and offered to do some of the work privately, but for less money than his employer had asked in its bid for the work. Upon hearing this, the company fired both the man and his wife.

The company said that the husband and wife were a 'team'; the wife's services were included in the price her husband quoted to the school. However, this claim was not substantiated during the Commission's investigation.

The Commission found that the complainant was not involved in her husband's actions, which resulted in her being fired. The Commission mediated a settlement of $800 for her, which the company paid.

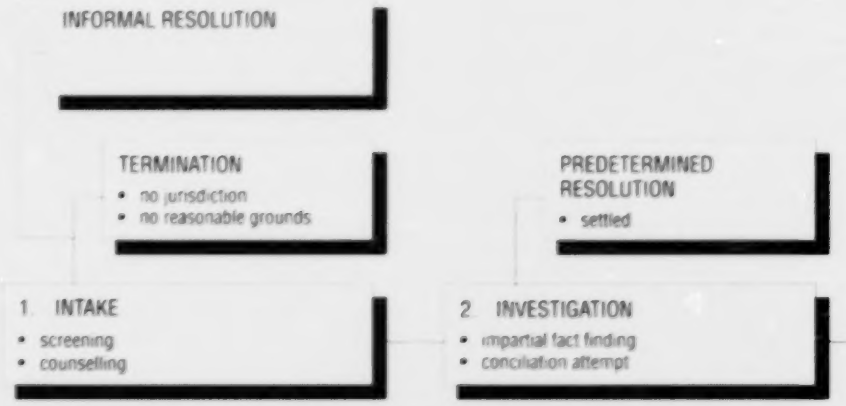
It is a contravention of section 7(1) of the Individual's Rights Protection Act to discriminate against any person on the grounds of marital status in the area of employment.

(5) Grounds: Retaliation

Three managers of a large Alberta company received a total of $29,600 after the company's owner threatened them for supporting a complainant's allegations of sexual harassment against the general manager.

HOW COMPLAINTS ARE HANDLED

Most complaints to the Alberta Human Rights Commission are resolved in four or fewer steps. Complaints may be resolved, or dismissed, at any step in this process. Unresolved complaints may go to a board of inquiry.



A female employee of the company complained to the Commission of being sexually harassed by the general manager. After the three company managers had supported her claim during an investigation by the Commission, the owner intimidated and threatened to sue them for defaming the general manager's character.

They filed complaints of retaliation with the Commission. After filing their complaints, they decided the best alternative was to leave the company and, as a result, the Commission mediated on their behalf settlements of $10,000, $9,000 and $10,600 respectively.

It is a contravention of Section 11 of the Individual's Rights Protection Act to intimidate, coerce, or otherwise discriminate against a person for assisting in the prosecution of a complaint.

(6) Grounds: Sex (Sexual Harassment)

A part-time salesclerk, who quit her job because she was being sexually harassed by the store owner, received a $500 settlement from the owner.

The employee quit after three weeks at a small Alberta retail store because the owner made suggestive comments about her body, and stared at her. He asked her personal questions about her private life, and said he wanted to go to bed with her. She objected to his advances.

On one occasion he put his arm around her shoulder and tried to kiss her. Again, she refused his advances.

In her third week at the store, the owner said he wanted her to report to work on Sunday. When she arrived at work, the owner said he wasn't going to open the store, but wanted to clean the store and be alone with her. After making up an excuse, she left the store, and later explained what took place to her mother.

The employee quit her job the next day and lodged a complaint with the Commission.

After an investigation of the complaint, the Commission mediated a settlement of $500 for her, which the owner paid.

Sexual harassment contravenes Section 7(1) of Alberta's human rights legislation, the Individual's Rights Protection Act, which prohibits sex discrimination in the area of employment.

(7) Grounds: Pregnancy

The female employee of a municipality, hired for a three month summer position, was fired after two months on the job. She learned she was in her early months of pregnancy, and her supervisor said he did not wish to be responsible if she were to have a miscarriage as a result of doing the work, which included mowing lawns, removing weeds, painting and picking up garbage. However, her doctor was aware of her employment and felt it posed no danger to her pregnancy. There was no indication she could not perform the work satisfactorily and safely.

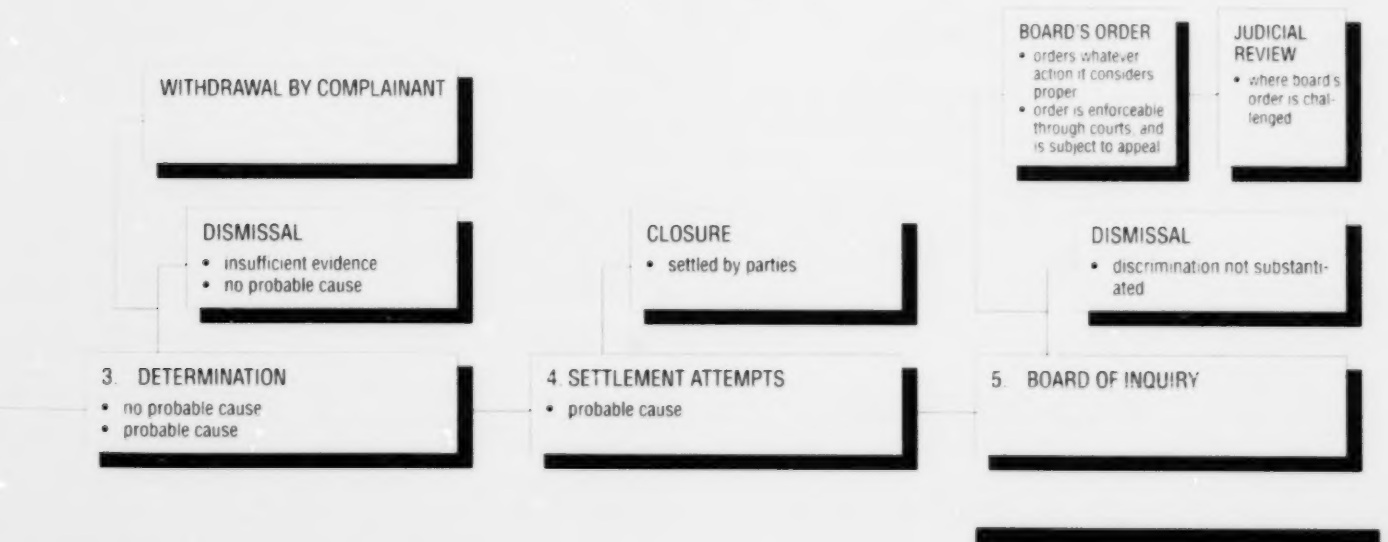
The Commission, which mediated the settlement, found in its investigation that the complaint had merit. The complaint was settled when the municipality agreed to pay the employee $935 for firing her.

It is a contravention of Section 7(1.1) of the Individual's Rights Protection Act to discriminate against any female employee, with regard to any term or condition of employment, because of pregnancy.

(8) Grounds: Physical Disability

An employee of a large Alberta company was given permission to use a freight elevator after he complained to the Alberta Human Rights Commission that he was being discriminated against because of his disability.

The employee, confined to a wheelchair, worked on the second floor of the company's building. He relied on the freight elevator to go between floors. He had been using the elevator until the employer told him that he could only operate it if one or two ambulatory staff accompanied him. However, the employer could not show



this to be a reasonable restriction.

After discussions with the Commission, the company agreed to designate the employee a freight elevator operator in order to meet safety requirements and to enable him to use the elevator by himself. The employee was satisfied with the settlement.

It is a contravention of Section 7(1) of the Individual's Rights Protection Act to discriminate against an employee on the basis of a physical disability.

(9) Grounds: Sex (Sexual Harassment)

A waitress at a small Alberta restaurant was subjected to continuous and unsolicited advances by a director of the restaurant. He made sexual requests and suggestions, and touched her. She objected to his actions, but he persisted.

Five employees witnessed the harassment or experienced similar treatment. The waitress quit her job and lodged a complaint with the Commission, which investigated the matter.

To settle her complaint the commission was able to mediate a monetary settlement of $700 for the waitress because of the losses and suffering she incurred.

During the investigation, the restaurant's owner admitted that the business had been suffering, and suspected it might have had something to do with the sexual harassment. The owner felt many local patrons might have refused to eat there again when they became aware of the harassment.

Sexual harassment is a contravention of Section 7(1) of the Individual's Rights Protection Act, which prohibits discrimination on the basis of sex in employment.

AREA OF SIGNS AND NOTICES

(1) Grounds: Notices

A human rights complaint was lodged against an Alberta newspaper that ran a classified advertisement for an apartment which contained the phrase "white people only."

The Alberta Human Rights Commission investigated the complaint, lodged by a reader of the newspaper. The landlord who placed the ad claimed he requested the words "quiet people only" instead of the offending phrase.

The newspaper publisher said he was unaware of the phrase before the paper was printed. Moreover, there was no indication any non-white person had applied for, or been refused, tenancy by the advertiser.

The complaint was resolved when the publisher assured the Commission that steps had been taken to prevent similar occurrences in the future. The publisher also printed a notice confirming that the inclusion of the phrase resulted from a miscommunication and did not reflect the intent of the advertiser or publisher.

It is a contravention of Section 2 of the Individual's Rights Protection Act to publish any notices which discriminate on the grounds of race, religious beliefs, colour, sex, physical disability, age, ancestry or place of origin.

EXAMPLES OF COMPLAINTS DISMISSED OR CLOSED WITHOUT SETTLEMENT

AREA OF EMPLOYMENT

(1) Grounds: Sex (Sexual Harassment)

A woman complained that she was forced to leave her position as a waitress because of sexual harassment by the owner. She informed the Commission that the owner repeatedly grabbed her from behind, touched her breasts and made lewd sexual comments to her. The woman said that, due to fear of reprisal by the owner, she had delayed complaining to the Commission until she had moved to another community. The parties to the complaint agreed to resolve the matter informally. Shortly afterwards, however, the woman moved without providing the Commission with a forwarding address or phone number. Repeated attempts to establish contact with the complainant were unsuccessful. The complaint was considered abandoned and subsequently closed.

(2) Grounds: Religious Beliefs

A man employed as a cleaner with a unionized company sought assistance from the Commission because it was contrary to his religious beliefs to belong to or financially support labour unions. The man, a member of the Seventh Day Adventist Church, had requested that the union exempt him from membership and allow him to donate the equivalent of his union dues to a charity. His request was denied. The union official contacted by the Commission explained that individuals were not required to become union members if their religious beliefs so dictated. However, individuals who opted out of membership were required to pay union fees rather than union dues, since they were entitled to all the union services and benefits contained in the collective agreement. The union official was, however, receptive to accommodating the complainant's request to have his union fees donated to a mutually-agreed upon charity, and agreed to make a recommendation to that effect at a forthcoming ward meeting, which had sole authority to grant the complainant's request. While awaiting the ward meeting, the complainant informed the Commission that he had resigned his position to pursue educational goals; he therefore requested that his complaint be withdrawn.

(3) Grounds: Marital Status and Pregnancy

An elementary and junior high school teacher was terminated because she was single and pregnant. Her employer, a separate school district, said she was pursuing a lifestyle inconsistent with the philosophy of the school district and the Roman Catholic church. She was previously warned that repeated or continued incompatibility in this respect would jeopardize her employment.

The woman complained to the Commission and also filed a grievance with her union. The grievance was heard at a Board of Reference and subsequently appealed to the Court of Queen's Bench. Both decisions upheld the right of the school district, under Section 29 of the Charter, to dismiss for breach of a denominational code of conduct. The Court also confirmed that the Section 29 Charter provision took precedence over the Individual's Rights Protection Act where a conflict in rights existed. The complaint was therefore dismissed.

AREA OF SERVICES

(1) Grounds: Race

A woman of Native ancestry complained that, when she called to reserve a community hall for a dance for a group of Metis individuals, the booking agent required 'additional' down payment. Also, special arrangements would have had to be made for security.

The Commission was told by the group operating the hall that it had rented to Metis and Native groups in the past; as a result of substantial damage to the hall, they adopted a policy of either not renting to Native and Metis groups or charging them higher damage deposits and increased security arrangements to rent the hall. The group was advised of the Individual's Rights Protection Act and the conflict with the policy. It was not prepared to change its policy.

A formal complaint was drafted and arrangements were made to have the Metis group come to the Commission's office to sign the complaint, but the group never appeared. Several attempts were subsequently made to contact the group's representatives. The Commission never received any response. The matter was considered abandoned and the Metis group was so advised in writing.

BOARDS OF INQUIRY

Following are the Boards of Inquiry in 1987-88 (see page 3 for an explanation on boards of inquiry).

1. **Olive Dickason against the University of Alberta**
   Chairman: Ken Alyluia

   Professor Olive Dickason filed a complaint of age discrimination, alleging that she was required by her employer to retire upon reaching the age of 65. The board of inquiry commenced its hearing into the matter in September 1986. The decision of the board in October 1987 was in favour of the complainant. It included reinstatement and full back pay. The University of Alberta has appealed the decision to the Court of Queen's Bench.

2. **Oleh Zujewskyj against the University of Alberta**
   Chairman: Ken Alyluia

   Professor Oleh Zujewskyj filed a complaint of age discrimination alleging that he was required to retire upon reaching the age of 65. The board is in abeyance pending the outcome of the appeal of the Dickason complaint against the University of Alberta by the university.

3. **Aleksandra Vinogradov against the Universitv of Calgary**
   Chairman: E.M.N. Macdonald

   Aleksandra Vinogradov pursued a complaint against her employer, the University of Calgary, claiming that she was discriminated against in not being considered for an employment opportunity because of her sex. A board was appointed in March 1987. The board commenced hearing the matter in September 1987 and continued into January and February 1988. The hearing is expected to continue in April 1988.

4. **Diane Graling, Mona Dziuba, Debbie Leith, Sandy Johnson and Leah Dziuba against Community Bingo (Wetaskiwin) Ltd. and Harry Panoussus**
   Chairman: David Manning

   Five women filed separate complaints against their employer, claiming that they were sexually harassed on the job by their supervisor. The Commission directed the Minister of Labour to appoint boards of inquiry. Five boards were appointed in July 1987. Before the hearing began three of the complainants, Mona Dziuba, Sandy Johnson and Leah Dziuba, accepted settlements of their complaints which included payment of $1,500 to each of them. The hearing into the complaints of Diane Graling and Debbie Leith took place in January 1988. The decision was reserved.

5. **Avtar S. Grewal against Checker Cabs Ltd. of Calgary**
   Chairman: William DeJong

   Avtar Grewal, a Sikh, filed a complaint claiming that he was refused continued employment as a taxi driver with Checker Cab because he grew a beard and wore a turban, as required by his religious beliefs, while he was on holiday in India. The board heard the matter in November 1987. The board of inquiry determined that Mr. Grewal, by refusing to reapply for a position with Checker Cabs, in accordance with the company's new policy which required reapplication after an absence of two or more weeks, was premature in claiming a refusal of continuing employment because of his religious beliefs. Had he complied, and been refused, the result might have been different. The complaint was dismissed.

6. **Lee McKibben against the Calgary Opera Association**
   Chairman: Norm Maloney

   Lee McKibben, a white man, filed a complaint against the Association alleging that he was refused an audition for a role in an opera because of colour, race and ancestry. A board of inquiry was appointed in July 1987. The matter was scheduled for a hearing in November 1987. However, the

Board had adjourned without fixing a date for the next hearing.

7. **Barbara Shalenko against Deang, Estrella and Dynaware International Inc.**
Chairman: Caroline Lee

Barbara Shalenko filed a complaint alleging that she was sexually harassed during her employment. A board of inquiry was appointed in July 1987 and a hearing was scheduled for September 1987. The matter was settled between the two parties before the commencement of the hearing.

8. **Jan Powley against Wildwood Family & Community Support Services Board**
Chairman: Peter Knaak, Q.C.

Jan Powley filed a complaint alleging that he was sexually harassed and terminated from employment. A board of inquiry was appointed in August 1987. The matter was settled prior to a hearing by the board of inquiry.

9. **Julianna Heinrichs against the Calgary Senior High School Athletic Association and the Calgary Board of Education**
Chairman: Robert W. Eden, Q.C.

Julianna Heinrichs filed a complaint alleging that she was denied the opportunity to play football on a boys' team on the grounds of sex. A board of inquiry was appointed in September 1987 to hear the matter. The parties agreed to hold the matter in abeyance pending the outcome of a comparable case in Ontario (Justine Blainey v the Ontario Hockey Association) where a girl was refused the opportunity to play hockey on a boys' hockey team.

10. **Danielle Corvari against the City of Calgary and Calgary Civic Employees Benefits Society**
Chairman: James W. Conway

Danielle Corvari filed a complaint alleging that she was denied sickness benefits for a pregnancy-related illness during her employment. A board of inquiry was appointed in September 1987 to hear the matter. A hearing was scheduled for December 1987. However, because discussions to settle had commenced, the board had adjourned the matter.

11. **Mary Shavalier against the City of Calgary and Calgary Civic Employees Benefits Society**
Chairman: James W. Conway

Mary Shavalier filed a complaint alleging that she was denied sickness benefits for a pregnancy-related illness during her employment. A board of inquiry was appointed in September 1987 to hear the matter. A hearing was scheduled for December 1987. However, because discussions to settle had commenced, the board had adjourned the matter.

12. **Nancy Lortie against H & A Buff N' Stuff Janitorial Service Ltd.**
Chairman: Dan Pahl

Nancy Lortie filed a complaint alleging that she was paid less than a male for doing similar or substantially similar work, and discriminated against on the basis of her sex by her employer. A board of inquiry was appointed in January 1988. No date for a hearing had been set since the parties had begun efforts to settle the matter.

13. **Evan Shevin against Smoky River Coal Ltd.**
Chairman: Ihor Broda

Evan Shevin filed a complaint alleging that he was terminated from employment because of his age. A board of inquiry was appointed in March 1988. A hearing was scheduled for July 1988.

14. **Joseph Bugis against University Hospitals Board**
Chairman: To Be Appointed

Dr. Joseph Bugis, 65 years old, filed a complaint alleging that the Board refused to return him to active employment status because of his age. The Commission directed at its March 1988 meeting that the Minister of Labour appoint a Board of Inquiry.

JUDICIAL DECISIONS

If an order from a board of inquiry is challenged or appealed, it can be reviewed in court. Requests for opinions of law (stated cases) were also referred to the court.

1. **In the Alberta Court of Appeal before The Honourable Mr. Justice Harradence, The Honourable Mr. Justice Belzil and The Honourable Mr. Justice Stevenson in the matter of a complaint by Jim Christie against the Central Alberta Dairy Pool. Appeal by the Alberta Human Rights Commission against the decision of the Honourable Mr. Justice McNaughton.**

Mr. Christie alleged he was discriminated against on the basis of his religious beliefs when he was fired for having taken two days off from work for religious reasons. The employer maintained that there was no intentional discrimination and the company could not reasonably accommodate his request for time off because of the company's production requirements. A board of inquiry stated that the employer had a duty to accommodate Mr. Christie's religious requirements and ordered the employer to pay Mr. Christie $8,000 as partial compensation for income lost because of the discriminatory action. However, the board of inquiry refused to order his reinstatement because of the conflict between Mr. Christie's religious requirements and the requirement of his position in the company. The employer appealed the decision on the basis that there was no blanket duty to accommodate, especially where job requirements demand the employee's attendance.

Upon appeal, the Court of

Queen's Bench ruled in favour of the employer, stating that there were limits upon the duty of employers to reasonably accommodate an employee's religious beliefs. Where attendance at work was established as a bona fide requirement of the job there was no duty to accommodate. The Commission appealed this decision to the Alberta Court of Appeal on 27 August 1986.

The Court of Appeal, which heard the matter in January 1988, dismissed the appeal. The Commission decided to appeal the decision to the Supreme Court of Canada.

2. **In the Court of Queen's Bench of Alberta before the Honourable Mr. Justice D.R. Matheson in the matter of an application for mandamus by Nada Zahorodny against the Alberta Human Rights Commission.**

   Ms. Zahorodny alleged that her sexual harassment complaint against the Alberta Solicitor General's Department, which was dismissed by the Commission on 3 December 1986, was not dealt with in a fair and proper manner. The Commission subsequently reviewed the dismissal but upheld the original decision to dismiss the complaint. Ms. Zahorodny applied for mandamus to compel the Commission to "do its statutory duty" and to direct a formal inquiry into her complaint. The Court of Queen's Bench dismissed Ms. Zahorodny's application for three reasons: the "Commission cannot appoint a Board of Inquiry where it has dismissed the complaint"; the Commission's power to appoint a board of inquiry was discretionary, and the Court "...will not dictate how that discretion is to be exercised"; and the Commission "...acted in accordance with standards of procedural fairness in investigating, reviewing and dismissing the complaint."

3. **In the Court of Queen's Bench of Alberta before the Honourable Justice Mr. Mason in the matter of an application by Murray D. Younger and Kenneth L. Hammond against the Alberta Human Rights Commission.**

   Mr. Younger and Mr. Hammond filed separate complaints against Gulf Canada alleging that they were forced to retire from employment and, because they were not yet 60 years old, would therefore receive a discounted pension. The Alberta Human Rights Commission dismissed their complaints on the basis that the pension plan was bona fide and therefore acceptable under section 7(2) of the Individual's Rights Protection Act. The complainants, through their lawyer, alleged that section 7(2) of the Act contravened section 15 of the Canadian Charter of Rights and Freedoms by permitting discrimination on the basis of age. The Honourable Justice Mr. Mason ruled that their application regarding section 7(2) of the Act was premature and that the matter be directed to the Commission for a ruling by way of the review process which had been adjourned as a result of the court challenge.

4. **In the Court of Appeal of Alberta before the Honourable Mr. Justice McClung, the Honourable Mr. Justice Belzil and the Honourable Mr. Justice Irving in the matter of a complaint by Laraine Bourque against Westlock School Division No. 37, appealed by the Alberta Human Rights Commission.**

   Ms. Laraine Bourque alleged that the Westlock School Division discriminated against her children because of their religious beliefs when it refused to continue to provide bussing to them. The Court of Queen's Bench ruled that although student transportation is a service available to the public, the public is in this case limited to residents of the Westlock School Division. The Bourque children, being separate school residents, are not the public to which the Westlock services are customarily available. Consequently, there was no discrimination. The Commission appealed the decision to the Court of Appeal in February 1987. The Court of Appeal dismissed the appeal in November 1987. The Honourable Mr. Justice McClung stated, on behalf of the Court justices, that, while they agreed with the Court of Queen's Bench in its decision, they did "...not wish to be taken as declaring that all public bussing arrangements in the province lie outside the jurisdiction of the [Individual's Rights Protection] Act." The Commission decided not to appeal the decision.

OMBUDSMAN OF ALBERTA

During 1987-88 the Alberta Ombudsman received five complaints against the Alberta Human Rights Commission alleging that the agency had either refused to investigate a complaint or had not done a proper investigation.

In the first case the Ombudsman concluded that there was no support for the claim that the Commission had improperly refused to investigate a complaint.

In the second and third cases, the Ombudsman concluded that the Commission had carried out fair and proper investigations.

The Ombudsman had not concluded his investigation of two cases.

Two other complaints from a previous year were concluded in 1987-88. The Ombudsman cleared the Commission from allegations that it had not done a proper investigation in one case. The second complaint was closed because the complainant failed to support her allegations.

COMMISSIONERS

Chairman Stan Scudder

1 April 1981 to 31 March 1985

Reappointed 1 April 1985 to 31 March 1987

Appointed Chairman 1 January 1986 to 31 March 1987

Reappointed Chairman 1 April 1987 to 31 March 1989

Stan Scudder, born in Winnipeg, Manitoba, is an insurance broker in Edmonton and has been associated with the insurance industry for the past 40 years. He is past chairman of the Church and Society Committee, a subcommittee of the Edmonton Diocese of the Anglican Church. The committee deals with such topics as justice, native concerns and the problems of the needy and oppressed. Mr. Scudder was the founding president of the Westmount Christian Council, an ecumenical group in Edmonton.

Barbara Tate

1 February 1986 to 31 January 1990

Resigned 11 January 1988

Barbara Tate was born and raised in New Norway, Alberta. She is Manager, Human Resources with Nova, An Alberta Corporation, Calgary, and has background in the property development industry and in the municipal affairs and human resources fields. She is a member of the Calgary Personnel Association and serves on the employer-employee relations committee of the Calgary Chamber of Commerce.

Enrico (Eric) Lazo

1 February 1986 to 31 January 1990

Enrico (Eric) Lazo was born in Manila, Philippines. A computer systems analyst, banker (development banking) and farmer, he has been a resident of Alberta since 1980. He was past treasurer and director, Association of Records Managers, Calgary Chapter. Mr. Lazo was involved with the Western Canada Games in 1983 and the Alberta Provincial Games for the physically disabled in 1985. He is active in the Filipino-Canadian community affairs in Alberta; Chairman, Board of Trustees, NEPA (National Endeavours of Filipino Associations); and General Campaign Chairman, GIVED (Group of Independent Volunteers for Economic Development, Society of Canada), a non-profit, charitable organization.

Edna Short

1 January 1986 to 31 December 1989

Edna Short, born in Saskatchewan, has lived in Red Deer since 1962. She has been an active member of the Red Deer business community. She is a member of the Board of Directors of the Red Deer and District United Way and a director of the Red Deer Chamber of Commerce and Agritrade. Mrs. Short is a member of the City of Red Deer Economic Development Board and Chairman of its Tourist and Convention Board. She has been associated for more than 30 years with the Girl Guides of Canada at the local and provincial levels. She is a past director of the YMCA (Young Men's Christian Association) and is warden for St. Leonard on the Hill Anglican Church.

Pearl Calahasen

1 November 1986 to 31 October 1989

Born in Grouard, Alberta, Pearl Calahasen has taught all grade levels for the past 10 years. She is supervisor of Native Programs for the Northlands School Division and seconded to Alberta Education with its Native Education project. She was a continuing education coordinator and a member of the Minister's Advisory Committee on University Affairs. Ms. Calahasen is a member of the Alberta Metis Association, the Alberta Teachers Association, and is the Alberta representative on the National Committee for Language Development and Native Education.

William Leslie

1 November 1984 to 31 October 1988

William Leslie is a Grande Prairie businessman with many years of management experience. He is currently employed at Trumpeter Travel in Grande Prairie as an outside salesman. Actively involved in school board affairs, Mr. Leslie has served for 22 years as a Grande Prairie school trustee. In addition to being a member of the Alberta School Trustees Association, he has participated in two educational finance task forces.

Continued

Suzanne Mah

1 November 1984 to 31 October 1988

Suzanne Mah is a lawyer in the City of Edmonton. Her area of practice includes corporate and small business law, commercial law and real estate. Ms. Mah also teaches legal relations courses in the Faculty of Business at the University of Alberta. She is National Chairperson of Public Affairs for Canada Jaycees and a member of the Mah Society and the Chinese Benevolent Society.

STATISTICS

CONTENTS

Summary 18

Education Activities 19

Media Contacts 19

Complaints for Province 20

Complaints Closed: Results 22

Complaints by Prohibited Areas of Discrimination 23

Complaints by Prohibited Grounds of Discrimination in Employment 23

Percentage of Complaints on Basis of Colour/Race 23

Percentage of Complaints by Grounds 24

Pregnancy Complaints 24

Age Complaints 24

STATISTICS

SUMMARY

TOTAL ACTIVITIES IN 1987-88

TELEPHONE INQUIRIES	8,610
*INQUIRIES WITHIN JURISDICTION OF COMMISSION	2,943
COMPLAINTS RECEIVED	234
COMPLAINTS OPENED AND CLOSED (1986-87)	162
COMPLAINTS OPENED AND CLOSED INCLUDING THOSE OF PREVIOUS YEARS	214
EDUCATION WORKSHOPS AND SEMINARS	440
SPEECH, WORKSHOP AND SEMINAR PARTICIPANTS	7,198
MEDIA CONTACTS	167

* Inquiries outside the Commission's jurisdiction were referred to the appropriate government or non-government agency or organization.

EDUCATION ACTIVITIES

TOTAL WORKSHOPS, SPEECHES AND PRESENTATIONS	440
TOTAL NUMBER OF PARTICIPANTS	7,198

WORKSHOPS, SPEECHES, PRESENTATIONS (percentage of total)

SCHOOLS[1]	117 (26.6%)
EMPLOYERS[2]	230 (52.3%)
SPECIAL INTEREST GROUPS[3]	93 (21.1%)
TOTAL	**440** (100.0%)

WORKSHOP PARTICIPANTS (percentage of total)

SCHOOLS[1]	3,294 (45.7%)
EMPLOYERS[2]	2,086 (19.0%)
SPECIAL INTEREST GROUPS[3]	1,818 (25.3%)
TOTAL	**7,198** (100.0%)

Education topics included: general information on the Individual's Rights Protection Act; sexual harassment; equal opportunities in employment; services of the Alberta Human Rights Commission; job interviews; equal pay; and lodging complaints, among others.

[1] includes junior and senior high schools, community colleges, vocational centres, institutes of technology, universities and elementary schools

[2] includes non-government and government employers

[3] includes groups representing businesses, women, ethnicities, the disabled, professions and trades, and unions, among others

MEDIA CONTACTS

MEDIUM (percentage of total)

RADIO	51 (30%)
TELEVISION	17 (10%)
PRINT	99 (60%)
TOTAL	**167** (100%)

COMPLAINTS FOR TOTAL PROVINCE 1987-88 – 1986-87

		DISCRIMINATORY SIGNS		PUBLIC ACCOMMODATION SERVICES		TENANCY		EQUAL PAY	
		87-88	86-87	87-88	86-87	87-88	86-87	87-88	86-87
RACE/ COLOUR	BLACK			8	3	3	1		
	NATIVE			6	4		3		
	S. ASIAN					3			
	ORIENTAL				1				
	WHITE								
	OTHERS		1						
SEX	MALE				2	1	1		
	FEMALE			1	4			3	4
	PREGNANCY								
Sexual Harassment	MALE								
	FEMALE			2	1	1	1		
OTHER	RELIGIOUS BELIEFS			2	1				
	AGE								
	ANCESTRY			10	5	1	1		
	PLACE OF ORIGIN			8			1		
	MARITAL STATUS								
	PHYSICAL DISABILITY			9	7	4	3		
	RETALIATION								
	TOTAL		1	46	28	13	11	3	4
	PERCENTAGE OF TOTAL COMPLAINTS		.4	19.6	9.8	5.5	3.8	1.3	1.4

		EMPLOYMENT		EMPLOYMENT ADVERTISEMENTS APPLICATIONS		OCCUPATIONAL ASSOCIATIONS & TRADE UNION MEMBERSHIPS		RETALIATION		TOTAL		PERCENTAGE	
		87-88	86-87	87-88	86-87	87-88	86-87	87-88	86-87	87-88	86-87	87-88	86-87
RACE/ COLOUR	BLACK	7	15	1	1					19	20		
	NATIVE	1	5	1						8	12		
	S. ASIAN	6	7							9	7		
	ORIENTAL	5	9							5	9		
	WHITE	1	3							1	3		
	OTHERS	1	1		1		1			3	2	19.2	18.5
SEX	MALE	10	12		6					11	21		
	FEMALE	16	26	3	6					23	40		
	PREGNANCY	15	33							15	33		
Sexual Harassment	MALE		2								2		
	FEMALE	38	31							41	33	38.5	44.9
OTHER	RELIGIOUS BELIEFS	3	4			1				6	5	2.5	1.7
	AGE	18	24			2				18	26	7.7	9.1
	ANCESTRY	1	5		1					12	12		
	PLACE OF ORIGIN	2	7	1						11	8	9.8	7.0
	MARITAL STATUS	10	9							10	9	4.3	3.1
	PHYSICAL DISABILITY	22	27	4	2					39	39	16.7	13.6
	RETALIATION							3	6	3	6	1.3	2.1
	TOTAL	156	219	10	17	2	2	3	6	234	287		
	PERCENTAGE OF TOTAL COMPLAINTS	66.7	76.3	4.3	5.9	.9	.7	1.3	2.1			100	100

COMPLAINTS CLOSED: RESULTS

CASES OPENED AND CLOSED IN 1987-88

SETTLEMENTS*	120
WITHDRAWN/PENDING CLOSE	35
DISMISSED	6
TOTAL	**161**

*Total monetary settlements of 161 cases opened and closed in 1987-88: $61,426.

Settlements also included letters of apology, reinstatement of jobs, and agreements by respondents to cease acts of discrimination, among others.

CASES CLOSED IN 1987-88

(includes complaints from previous fiscal years)

SETTLEMENTS**	147
WITHDRAWN/PENDING CLOSED	49
DISMISSED	18
TOTAL	**214**

**Total monetary settlements of 214 complaints closed in 1987-88: $163,130.

Settlements also included letters of apology, reinstatement of jobs, and agreements by respondents to cease acts of discrimination, among others.

TIMELINES

TIME REQUIRED TO HANDLE THE 161 COMPLAINTS WHICH WERE OPENED AND CLOSED IN 1987-88:

30 DAYS OR LESS	60 DAYS OR LESS	90 DAYS OR LESS	MORE THAN 90 DAYS
110 COMPLAINTS	24 COMPLAINTS	10 COMPLAINTS	17 COMPLAINTS*

TIME REQUIRED TO HANDLE THE 214 COMPLAINTS WHICH WERE CLOSED IN 1986-87:

30 DAYS OR LESS	60 DAYS OR LESS	90 DAYS OR LESS	MORE THAN 90 DAYS
115 COMPLAINTS	30 COMPLAINTS	12 COMPLAINTS	57 COMPLAINTS*

*Includes boards of inquiry and judicial decisions

COMPLAINTS BY PROHIBITED AREAS OF DISCRIMINATION

1987-88 (1986-87)

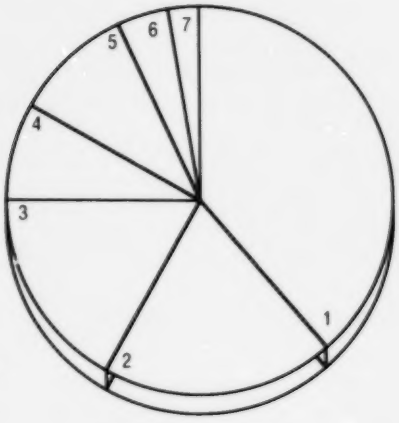
1. EMPLOYMENT 66.7% (76.3%)
2. SERVICES AND ACCOMMODATION 19.5% (9.8%)
3. EMPLOYMENT ADVERTISEMENTS, APPLICATIONS 4.3% (5.9%)
4. TENANCY 5.5% (3.8%)
5. RETALIATION 1.3% (2.1%)
6. EQUAL PAY 1.3% (1.4%)
7. OCCUPATIONAL MEMBERSHIPS, UNIONS 0.9% (0.7%)

COMPLAINTS BY PROHIBITED GROUNDS OF DISCRIMINATION IN EMPLOYMENT*

1987-88 (1986-87)

1. SEX 38.5% (47.5%)
2. RACE AND COLOUR 19.2% (17.8%)
3. PHYSICAL DISABILITY 16.7% (12.3%)
4. AGE 7.7% (11.0%)
5. ANCESTRY AND PLACE OR ORIGIN 9.8% (5.5%)
6. MARITAL STATUS 4.3% (4.1%)
7. RELIGIOUS BELIEFS 2.5% (1.8%)

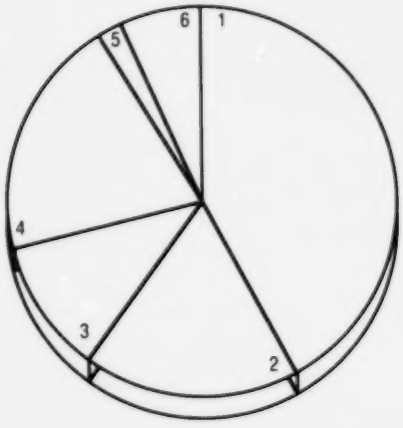
*The majority of complaints is in the area of employment.



PERCENTAGE OF COMPLAINTS ON BASIS OF COLOUR/RACE

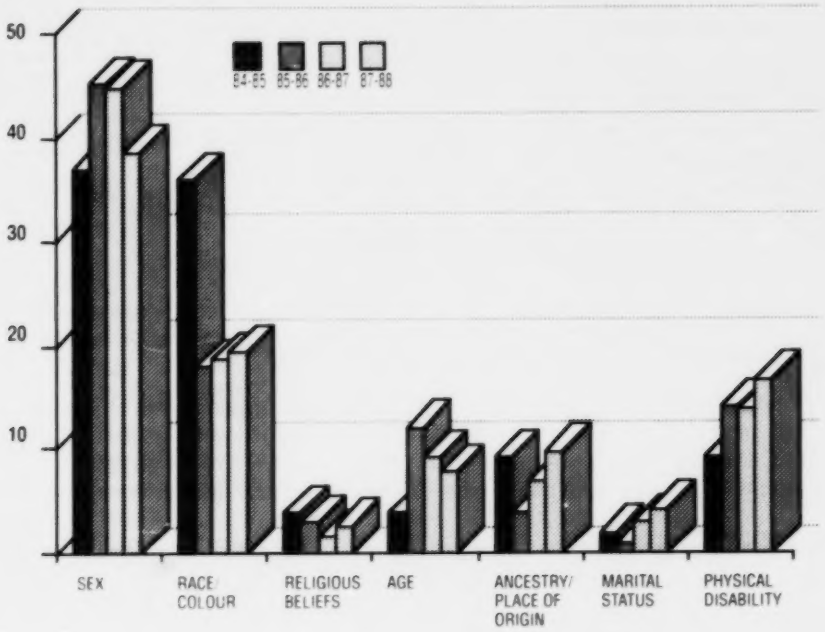
1987-88 (1986-87)

1. BLACK 42.2% (37.7%)
2. NATIVE 17.8% (22.6%)
3. ORIENTAL 11.1% (17.0%)
4. SOUTH ASIAN 20.0% (13.2%)
5. WHITE 2.2% (5.7%)
6. OTHERS 6.7% (3.8%)



STATISTICS

PERCENTAGE OF COMPLAINTS BY GROUNDS
FOUR YEAR COMPARISON



PREGNANCY AND AGE COMPLAINTS

PREGNANCY COMPLAINTS*		AGE COMPLAINTS**	
SETTLED	4	SETTLED	12
WITHDRAWN	6	WITHDRAWN	2
DISMISSED	0	DISMISSED	0
ACTIVE	5	ACTIVE	5
TOTAL	**15**	**TOTAL**	**19**

*Pregnancy was added to the Individual's Rights Protection Act as a protected ground under sex in June 1985.

**Age was expanded to cover Albertans 18 years of age and older rather than only those between 45 and 65 years, as was the case before the Act was amended in June 1985.